

**Remarks of the Hon. Marilyn Warren AC  
Chief Justice of Victoria  
on the farewell of Saul Holt SC**

**Victoria Legal Aid**

**Wednesday 18 December 2013**

Saul Holt SC commenced practice in New Zealand in 1998. From virtually the beginning he was a prosecutor working with the staff of the Palmerston North Crown Solicitor. Palmerston North is a provincial city on the circuit of the Wellington High Court of New Zealand. Saul began in 1998 as a prosecutor fresh from law school. Only eight years later, by 2006, he had progressed to a senior prosecutor.

He came to Australia and commenced practice in 2006. He very quickly built up an impressive reputation here in Victoria.

In 2012 Saul applied to be appointed Senior Counsel of and for the State of Victoria, an SC. At the request of the Victorian Bar I perform the appointment function. Each year around 90 individuals, almost all from the Victorian Bar, apply for appointment. Around about 15 individuals are appointed each year. The process is extremely rigorous. I engage in direct confidential discussions with heads of jurisdiction, judges, the Director of Public Prosecutions and the Chief Crown Prosecutor and others including the Criminal Bar Association.

Saul's application was unusual in that he was not a member of the Bar. He had practised solely out of the legal office within Victoria Legal Aid. Saul succeeded in being appointed Senior Counsel in 2012 upon his first application.

Generally I do not speak about the applications beyond describing the process and rudimentary matters such as numbers and gender make up.

However, it seemed to me appropriate on this occasion to acknowledge the application by Saul.

individual who was essentially known in Victoria as a defender in the criminal jurisdiction but who in fact had worked on the other end of the Bar table as a prosecutor in New Zealand for many years.

practising here in Victoria his practice was not confined to criminal matters. He appeared in a range of public law matters where the liberty of the subject and human rights were in issue.

In my consultations for appointment of Senior Counsel Saul received universal accolades as an outstanding advocate. From the senior judges of the Supreme Court, the judges of the County Court to those senior people

engaged in the criminal jurisdiction, everyone uniformly praised his advocacy and ability. He was described as “a first class lawyer” and “talented advocate”. One Victorian judge said, “he thinks before he speaks...When he speaks, he usually has something to say”.

Saul has always struck me as a modest individual. In applying for silk he did not nominate as judicial referees judges before whom he had appeared in his practice in New Zealand. Rather, he nominated local, Victorian judges. The appointment of senior counsel is an important and significant step. I set about the task as assiduously and thoroughly as I might. I resolved to make my own enquiries of Saul’s standing in New Zealand. I consulted superior court, and indeed very senior judges of New Zealand. All we knew of Saul here in Victoria was strongly confirmed in New Zealand. One senior judge said “it was very much New Zealand’s loss when Mr Holt moved to Australia”. One further comment:

“what sets him apart...is a powerful intelligence and deep knowledge of the law”. Another senior judge said “...Mr Holt is...a talented and intelligent lawyer with sound judgment”.

Having just appointed Saul as senior counsel I, along with many others, was extremely disappointed when he announced he would be travelling north and leaving the jurisdiction. That said, as a working woman myself, I congratulate him on being prepared to make the sacrifice of his career for the benefit of that of his wife.

It is to be hoped that on moving to Queensland Saul will develop a flourishing practice, I am sure he will, at the Queensland Bar. I, along with so many of my judicial colleagues who know Saul’s work, hope he will develop a national practice and thus we will see him in Victoria again. Indeed, I understand he is returning to the

jurisdiction to conduct a criminal trial in the Supreme Court early in 2014.

The President of the Court of Appeal, Justice Maxwell, and I together with so many of our colleagues acknowledge the contribution that Saul has made to improving standards of defence advocacy at VLA, the juries directions reforms and the criminal appeal reforms in the Court of Appeal. The contribution of VLA to the criminal appeal reforms was highlighted by Maxwell P, Coghlan JA and Lasry AJA in *Pillai v The Queen* [2013] VSCA 459. Saul has also been a member of the Victorian Law Reform Commission (appointed a Victorian Law Reform Commissioner in April 2012).

The President of the Court of Appeal and I together with those of our colleagues who know Saul and his work wish him well in the new phase of his professional life. That

said, we look forward to his regular appearances in  
Victoria.